

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL**

ORIGINAL JURISDICTION

Dated: Nainital: the 21st day of October, 2005

Bail application no. 622 of 2005

Order on the bail application of accused

CRIMINAL SIDE

1. Bhupendra Singh @ Pappu
S/o Chandra Singh
R/o Village Sirar Patti Barmo
Tehsil Didihat
District Pithoragarh
 2. Rajendra Singh @ Narendra Singh
S/o Sri Kishan Singh
R/o Village Batholi Patti Barmo
Tehsil Didihat
District Pithoragarh
 3. Soban Singh S/o Sri Dan Singh
R/o Village Siror Patti Barmo
Tehsil Didihat
District Pithoragarh
 4. Man Singh S/o Sri Bhawan Singh
R/o Village Sirar Patti Barmo
Tehsil Didihat
District Pithoragarh
 5. Soban Singh S/o Man Singh
R/o Village Sirar Patti Barmo
Tehsil Didihat
District Pithoragarh
- ... Applicants

Versus

State of Uttaranchal

... Opposite Party

Arising out of Case Crime No. 1 of 2005
Under Sections 302, 149 I.P.C.
Patti Patwari Circle Barmo
Tehsil Didihat
District Pithoragarh

By the court

Hon'ble B.C. Kandpal, J.

The applicants have applied for bail in case crime No. 1 of 2005 under Sections 302, 149 I.P.C., Patti Patwari Circle Barmo, Tehsil Didihat, District Pithoragarh.

Heard Sri Prabhakar Joshi, learned counsel for the applicants, learned A.G.A. and perused the record.

The record reveals that the deceased was dancing in a Marriage Party. The accused persons objected to it. Thereafter, the accused persons started beating him (deceased). They also chased him upto some distance and thereafter on the next day, the dead body of the deceased was recovered.

The case diary further reveals that the eyewitness/injured – Tej Singh has stated in his statement that it were the accused/applicants who committed *Mar Pit* and caused injuries on his person. Tej Singh has also sustained injuries during the course of the incident.

Learned counsel for the applicants could not show anything before me which may suggest that the injured eyewitness is an enimical terms with accused/applicants.

I do not find any reason to disbelieve the testimony of the injured/eyewitness.

Having considered the role attributed to the applicants and the statement of the injured/eyewitnesses, I do not find it a fit case for bail at this stage.

Accordingly, the bail application is rejected.

(B.C. Kandpal, J.)

21.10.2005

ASWAL